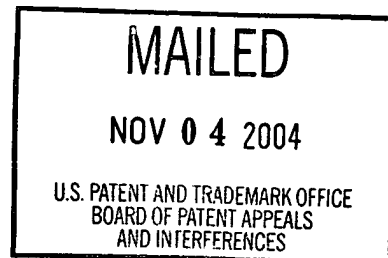


UNITED STATES PATENT AND TRADEMARK OFFICE

\_\_\_\_\_  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_

Ex parte PAUL CHARLES TURGEON  
\_\_\_\_\_

Application 09/394,143  
\_\_\_\_\_



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
\_\_\_\_\_

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on September 22, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Two Information Disclosure Statements (IDS) were filed on July 15, 2002 and March 22, 2004. An examination of the file reveals these IDSs need to be considered by the examiner with respect to compliance set forth the criteria set forth in 37 CFR §§ 1.97 and 1.98. A written communication notifying applicant of the examiner's decision is required.

Application 09/394,143

Accordingly, it is

**ORDERED** that the application is returned to the  
examiner:

1. for consideration of the two IDSs,
2. for written notification to applicant regarding the  
action taken, and
3. for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

Dale M. Shaw  
Program and Resource Administrator  
(571) 272-9797

CC:

TOWNSEND AND TOWNSEND AND CREW, LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834

DMS/cam  
RA05-0044